CONSTITUTIONAL LAW—ENFORCEMENT LAW—APPROPRIATENESS TO CONSTITUTIONAL AMENDMENT.—The government applied for leave of court to file an information against the defendant who was charged with having liquor in his possession contrary to Title 2, Section 3 of the National Prohibition Law or Volstead Act which provides that no person shall manufacture, *etc.*, or possess any intoxicating liquor except as authorized in this Act, *etc. Held,* application granted. *United States* v. *Murphy* (D. C. 1920) 264 Fed. 842.

Irrespective of the Volstead Act being a war measure, the question arises whether that section relating to possession violates the XVIIIth Amendment which provides in part: "After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to its jurisdiction thereof for beverage purposes is hereby prohibited." It is well settled that an enforcement act may go reasonably beyond the actual terms of a statute to give effect thereto in order to carry out the intention of the legislature. *State* v. *Centennial Brewing Co.* (Mont. 1919) 179 Pac. 296. Numerous cases have arisen under the XIVth Amendment presenting analagous problems to that in the instant case. In all these cases the legislative condemnation of practices in themselves innocent has been upheld by the courts in order to prevent the evasion of prohibitions directed against acts clearly harmful to society. Whenever the prevention of such "innocent" acts seems in fact to be necessary to effectuate the general purpose of a statute, it will be upheld as constitutional. *People ex rel. Silz* v. *Hesterberg* (1908) 211 U. S. 31, 29 Sup. Ct. 10; *Booth* v. *Illinois* (1902) 184 U. S. 425, 22 Sup. Ct. 425; *Murphy* v. *California* (1912) 225 U. S. 623, 32 Sup. Ct. 697. Since it would be impossible effectually to prevent the transportation of intoxicating liquors unless their possession were regulated, the provisions of the Volstead Act in this latter respect are appropriate to the enforcement of the XVIIIth Amendment.

CONSTITUTIONAL LAW—PROCLAMATION OF RATIFICATION OF AMENDMENT —MANDAMUS.—The Secretary of State of the United States, having received official notice from the requisite number of states that the Eighteenth Amendment to the Constitution of the United States had been ratified, issued a proclamation in accordance with (1818) 3 Stat. 439, U. S. Comp. Stat. (1916) § 303. Thus the amendment had become valid as a part of the constitution. The plaintiff alleging that the process of ratification in several states was not legal, maintained that the amendment had never become valid and asked for a writ of mandamus to compel the Secretary of State to revoke his proclamation. *Held,* the writ should not be granted since the Secretary of State has no authority to investigate the truth of the official notices which he receives and since the proclamation has no effect upon the validity of an amendment. *United States ex rel. Widenmair* v. *Colby, Secretary of State* (C. C. A. 1920) 265 Fed. 998.

Mandamus is limited to the enforcement of ministerial duties. *Wulftange* v. *McCollom* (1883) 83 Ky. 361; *United States ex rel. Riverside Oil Co.* v. *Hitchcock* (1903) 190 U. S. 316, 23 Sup. Ct. 698. Here the plaintiff neither contended nor showed that the Secretary of State was guilty of neglecting to perform such a duty. On the contrary, he averred that the duty had been performed. Nothing in (1818) 3 Stat. 439, U. S. Comp. Stat. (1916) § 303, indicates in any